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UNCLAS SECTION 01 OF 03 BRUSSELS 005525

SIPDIS

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E.O. 12958: N/A

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SUBJECT: U.S.-EU COTER CONSULTATIONS ON COUNTERTERRORISM
DECEMBER 3

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Summary: Revising the COTER Guidelines

1. The U.S. and EU COTER held their quarterly counterterrorism coordination meeting on December 3. The U.S. was represented by S/CT,s Senior Advisor for Multilateral Affairs, Chris Ensley, DOJ senior counsel Mark Richards, Econoff Kim Gagne and NAS Frank Kerber. The EU COTER delegation was chaired by Giampaolo Cantini of the Italian presidency and included delegates from the incoming Irish presidency, the European Commission, and the European Council. The December 3 meeting was the first U.S.-EU COTER exchange to be held under revised guidelines that focus work on identifying areas of possible cooperative diplomacy including encouraging countries to implement their international obligations under UNSCR 1373 and the 12 international counterterrorism conventions. The U.S. and EU established these guidelines after the September U.S.-EU COTER exchange in an effort to make the dialogue more action oriented and agreed to discuss two regions) North Africa and the western Balkans) at this meeting. End Summary.

Terrorism Trends Overview

2. Italy opened the session by presenting an overview of trends in global terrorism with special focus on al-Qaida and associated networks. Cantini pointed to recent attacks as an indication of the terrorist network,s apparent shift to softer targets and expressed concern over the movement of al-Qaida-related terrorists to Iraq to undercut coalition activities there. The U.S. concurred with the thrust of Italy,s assessment.

Implementing UNSCR 1373 in the Western Balkans:
A U.S. Assessment
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3. Moving to the core of the revised dialogue, the U.S. delegation presented a detailed picture of implementation of UNSCR 1373 and the 12 international counterterrorism conventions in the western Balkans (i.e., Albania, Bosnia, Croatia, FYROM, and Serbia-Montenegro and Kosovo) based on the much appreciated assessments from U.S. embassies in the region. Overall, the U.S. delegation said that the Balkans nations are strong supporters of the war against terrorism, but lack the institutions, training, and resources necessary to fight and prevent terrorism as effectively as possible. The EU delegation agreed and pointed out that U.S. and EU assistance programs have room for both more assistance and better coordination of our mutual assistance activities. In discussions of specific areas for cooperative diplomacy in the Balkans, the U.S. and EU agreed to consider two specific measures:

--A coordinated approach to Serbia and Montenegro encouraging it to adopt the four international counterterrorism conventions it has not so far, as well as a request that the republican governments ensure that republican laws and regulations harmonize with the international commitments adopted under the international conventions.

--A similar coordinated approach to FYROM urging it to speed up the ongoing (but very slow) adoption process for un-ratified international conventions, especially those related to terrorist financing and terrorist bombings.

If the EU and the U.S. agree to these recommendations, the Department and the EU presidency will coordinate the details of the approaches.

Implementing UNSCR 1373 in North Africa: An EU Assessment

4. The EU followed up on the U.S. presentation by making its own on the Northern African nations of Algeria, Morocco, and Tunisia. Italian and Irish delegates agreed that all three countries fully recognize the threat that terrorism represents to them and aggressively pursue counterterrorism measures internally. Nonetheless, they suffer from capacity

shortfalls similar to those faced by the Balkan nations. The Italian presidency also expressed concern that the three sometimes confront terrorism in a heavy-handed manner, agitating population bases that terrorists are already seeking to exploit. The U.S. delegation shared concern over the need for all governments to fight terrorism with full respect for the rule of law and human rights. The United States was working generally with these three countries to bolster democracy and good governance, and incorporated human rights components into its counterterrorism training for law enforcement services.

15. The European Commission then raised one area in which it might seek U.S. diplomatic assistance. The EU has been trying to encourage judicial reform in Tunisia and has offered to provide relevant assistance. Tunis, per the European Commission delegate, has rebuffed EU offers by trying to narrow down the possible reforms to be considered. Although the EU is considering whether to drop its efforts (rather than proceed with a flawed program), if it decides to make another go at Tunis, it may ask for the U.S. diplomatic assistance in persuading the GOT to accept the idea of broader judicial reform.

Anticipatory Crime Laws, Terrorist Finance,
and Enhanced intra-EU Coordination

16. After a brief review of wider counterterrorism assistance efforts, including the November 17 Counterterrorism Action Group (CTAG) meeting in Paris, both sides raised issues of mutual interest. The U.S. DOJ representative gave an overview of an analysis of G-8 member states, anticipatory crime laws (e.g., laws that inter alia outlaw material support for terrorist groups or payment to individuals to conduct terrorist operations) that identified a key gap in G-8 members, ability to cooperate when one country's national security information would be useful to another's ability to prosecute potential terrorists. He then asked if the EU would consider conducting a similar survey of its member states. The EU side took the idea on board.

17. The U.S. side also encouraged the EU to be more assertive in its efforts to block the assets of terrorists and their supporters. We applauded the EU's designation of Hamas but asked it to strongly consider designating the Hamas charities and individuals that the U.S. has already designated. Stopping the flow of money to Hamas and other Palestinian terrorist groups will be a crucial part of U.S. and EU efforts to get peace efforts between Israel and the Palestinian Authority moving forward. Similarly, as the EU has already designated the Kurdistan Workers' Party (PKK) as a terrorist group, it should move quickly to designate the same organization now operating under a different name. The PKK has not changed its views on the use of terrorism and should not get off the hook by simply changing its name.

18. Finally, upon hearing that the EU COTER had conducted a joint assessment of North African terrorist networks with the EU's Justice and Home Affairs, Terrorism Working Group (which addresses internal EU police cooperation against terrorists in the EU), the S/CT representative asked whether there were plans for the various EU organizations involved in counterterrorism activities to cooperate more closely. Although the COTER delegation agreed that more expansive intra-EU cooperation would be helpful, organizational issues made moving in that direction a very slow process. The U.S. delegation acknowledged the unique characteristics of the EU but urged COTER to continue with the effort. In the long run, EU security would benefit from better coordination of the many elements involved in fighting terrorism just as the United States is benefiting from cooperation between the State Department and the Departments of Justice, Homeland Security, and Treasury. (Comment: S/CT's Senior Advisor, who was invited to participate as an observer at the JHA's Terrorism Working Group meeting on December 2, made a similar pitch for greater intra-EU counterterrorism cooperation there, as well. End Comment.)

Toward Joint or Parallel Diplomatic Action

19. In closing, the U.S. and EU agreed that the new guidelines for the dialogue were effective in focusing the discussions on concrete counterterrorism issues and provided an avenue for identifying areas for joint or parallel diplomatic activity to encourage full implementation of international counterterrorism requirements. The incoming Irish presidency asked to continue operating under these guidelines and suggested that we focus on the Gulf states (GCC members plus Yemen) at the next meeting. Ireland also proposed holding the next meeting on February 13. The U.S. side agreed to get back to the Irish quickly on both suggestions.

Comment

10. Although the U.S.-EU COTER dialogue will remain somewhat limited in its scope of action by EU internal structures, the new guidelines that focus work on areas of agreed-upon international counterterrorism standards affords some room to produce useful outcomes on the diplomatic front. USEU and the Department would welcome comments from posts discussed in the sections on the Balkans and North Africa, especially on the cooperative diplomatic proposals mentioned in paras 4-5. The U.S. should continue to encourage the EU to break down bureaucratic walls barring effective EU counterterrorism coordination. Not only would more intra-EU cooperation on counterterrorism measures improve its counterterrorism abilities, it could present the United States with a more effective overall counterterrorism interlocutor and partner.

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